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9 Attorneys for Defendant/Counterclaimant
10 FEDERAL NATIONAL MORTGAGE ASSOCIATION

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 TERRA WEST COLLECTIONS GROUP,
14 LLC,

15 Case No.: 2:15-cv-01692-JAD-VCF

16 Plaintiff,

17 v.
18 FEDERAL NATIONAL MORTGAGE
19 ASSOCIATION; CITY OF HENDERSON;
20 REPUBLIC SERVICES,

21 **STIPULATION AND ORDER FOR
22 JUDGMENT**

23 Defendants.

24 and

25 FEDERAL HOUSING FINANCE AGENCY,
26 as Conservator of the Federal National
Mortgage Association,

19 Intervenor.

20 FEDERAL NATIONAL MORTGAGE
21 ASSOCIATION and FEDERAL HOUSING
22 FINANCE AGENCY, as Conservator of the
23 Federal National Mortgage Association,

24 Counterclaimants,

25 v.

26 TERRA WEST COLLECTIONS GROUP,
27 LLC; ANTHEM HIGHLANDS
28 COMMUNITY ASSOCIATION; RUGGED
OAK INVESTMENTS, LLC,

29 Counter-Defendants.

30 RUGGED OAKS INVESTMENTS, LLC,

31 Counterclaimant,

1 v.
2 FEDERAL NATIONAL MORTGAGE
3 ASSOCIATION; all other unknown persons or
4 entities claiming any right, title, estate, lien, or
5 interest in the real property described in the
6 Complaint adverse to Plaintiff's ownership, or
7 any cloud upon Plaintiff's title thereto; DOES I
8 through V; and ROE CORPORATIONS, I
9 through V,

10 Counter-Defendants.

11 RUGGED OAKS INVESTMENTS, LLC,

12 Cross-Claimant,

13 v.

14 TERRA WEST COLLECTIONS GROUP,
15 LLC; ANTHEM HIGHLANDS
16 COMMUNITY ASSOCIATION,

17 Cross-Defendants.

18 **STIPULATION AND ORDER FOR JUDGMENT**

19 COMES NOW Defendant/Counterclaimant, FEDERAL NATIONAL MORTGAGE
20 ASSOCIATION ("Fannie Mae"), Intervenor/Counterclaimant, FEDERAL HOUSING
21 FINANCE AGENCY, LLC ("FHFA"), Counter-Defendant/Cross-Claimant, RUGGED OAKS
22 INVESTMENTS, LLC ("Rugged Oaks"), Plaintiff/Counter-Defendant/Cross-Defendant TERRA
23 WEST COLLECTION GROUP ("Terra West"), and Counter-Defendant/Cross-Defendant
24 ANTHEM HIGHLANDS COMMUNITY ASSOCIATION ("Association"), by and through
25 their respective counsels of record, and hereby stipulate and agree as follows:

26 **WHEREAS**, this action concerns title to real property commonly known as 2672
27 Strichen Avenue, Henderson, Nevada 89044 ("Property"). The Property is more specifically
28 described as:

29 PARCEL 1:

30 LOT SIX HUNDRED TWO (602) OF ANTHEM HIGHLANDS UNIT 9 AS SHOWN
31 BY MAP THEREOF ON FILE IN BOOK 118 OF PLATS, PAGE 62 IN THE OFFICE
32 OF THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

33 EXCEPTING THEREFROM, A NON-EXCLUSIVE ESEMENT FOR INGRESS,
34 EGRESS, USE AND ENJOYMENT OF, OVER AND UPON THE COMMON

1 ELEMENTS AS SET FORTH IN THE DECLARATION OF COVENANTS,
2 CONDITIONS AND RESTRICTIONS FOR ANTHEM HIGHLANDS, A PLANNED
3 COMMUNITY RECORDED JULY 25, 2003 IN BOOK 20030725 OF OFFICIAL
4 RECORDS, AS DOCUMENT NO. 01651.

5 **PARCEL II:**

6 A NON-EXCLUSIVE EASEMENT OF INGRESS, EGRESS, USE AND ENJOYMENT
7 OF, OVER AND UPON THE COMMON ELEMENTS AS SET FORTH IN THE
8 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
9 ANTHEM HIGHLANDS, A PLANNED COMMUNITY RECORDED JULY 25, 2003
10 IN BOOK 20030725 OF OFFICIAL RECORDS, AS DOCUMENT NO. 01651.

11 **WHEREAS**, Fannie Me acquired ownership of real property located at 2672 Strichen
12 Avenue, Henderson, Nevada 89044 (“Property”) at a duly noticed foreclosure sale on October
13 10, 2013, and the Trustee’s Deed Upon Sale conveying title to Fannie Mae was recorded in the
14 Official Records of Clark County, Nevada on October 21, 2013 as Instrument No.
15 201310210000768;

16 **WHEREAS**, Terra West recorded a Notice of Delinquent Assessment Lien (“HOA
17 Lien”) against the Property on May 9, 2014 in the Official Records of Clark County, Nevada as
18 Instrument No. 201405090001989;

19 **WHEREAS**, Terra West recorded a Notice of Default and Election to Sell Under
20 Homeowners Association Lien (“Notice of Default”) against the Property on November 12, 2014
21 in the Official Records of Clark County, Nevada as Instrument No. 201411120000440;

22 **WHEREAS**, Terra West recorded a Notice of Foreclosure Sale (“Notice of Sale” and
23 collectively with the HOA Lien and Notice of Default “Foreclosure Notices”) on April 7, 2015 in
24 the Official Records of Clark County, Nevada as Instrument No. 201504070000447;

25 **WHEREAS**, a foreclosure deed (“Foreclosure Deed”) was recorded against the Property
26 on May 7, 2015 claiming that the Property was sold to Rugged Oaks for a purchase price of
27 \$181,000 (“Sale Proceeds”) at a foreclosure sale conducted on April 29, 2015 (“HOA Sale”);

28 **WHEREAS**, following the HOA Sale, Terra West applied the Sale Proceeds first to the
costs and fees of the HOA Sale and then to the balance of the HOA Lien;

WHEREAS, after deducting the costs and fees of the HOA Sale and the balance of the
HOA Lien, there remained excess proceeds in the amount of \$173,912 (“Excess Proceeds”);

1 **WHEREAS**, Terra West initiated this lawsuit in the United States District Court, District
2 of Nevada, Case No. 2:15-cv-01692-RBF-VCF (“Litigation”);

3 **WHEREAS**, the Parties have entered a settlement agreement in which they have settled
4 all claims by and between them.

5 **ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED** that title to the
6 Property should be quieted in the name of RUGGED OAKS INVESTMENTS, LLC;

7 **IT IS HEREBY FURTHER STIPULATED** that this order quieting title to the Property
8 may be recorded in the Official Records of Clark County, Nevada;

9 **IT IS HEREBY FURTHER STIPULATED** that excess proceeds from the HOA Sale
10 of April 29, 2015 of \$173,912 be released to Fannie Mae;

11 **IT IS HEREBY FURTHER STIPULATED** that this Stipulation and Order constitutes
12 the Final Judgment of this Court, resolving all claims, counterclaims, and crossclaims of all
13 parties in this case, with prejudice;

14 **IT IS HEREBY FURTHER STIPULATED** that each party shall bear its own fees and
15 costs.

16 **IT IS SO STIPULATED.**

18 DATED this 7th day of September, 2017.

19 ALDRIDGE PITE, LLP

DATED this 7th day of September, 2017.

HUTCHISON & STEFFEN, LLC

21 /s/ Anthony R. Sassi
22 LAUREL I. HANDLEY, ESQ.
23 ANTHONY R. SASSI, ESQ.
24 Attorneys for FEDERAL NATIONAL
25 MORTGAGE ASSOCIATION

21 /s/ Bradley G. Sims
22 JOHN T. STEFFEN, ESQ.
23 BRADLEY G. SIMS, ESQ. .
24 Attorneys for RUGGED OAKS
25 INVESTMENTS, LLCs

1 DATED this 7th day of September, 2017.
2 LIPSON, NEILSON, COLE, SELTZER &
3 GARIN
4
5 /s/ Eric N. Tran
6 JOSEPH P. GARIN, ESQ.
ERIC N. TRAN, ESQ.
7 Attorneys for ANTHEM HIGHLANDS
COMMUNITY ASSOCIATION
8

DATED this 7th day of September, 2017.
FENNEMORE CRAIG, P.C.
10

11 /s/ Leslie Bryan Hart
12 LESLIE BRYAN HART, ESQ.
JOHN D. TENNERT, ESQ.
13 and
14 ARNOLD & PORTER KAYE SCHOLER, LLP
15 ASIM VARMA, ESQ.
HOWARD N. CAYNE, ESQ.
16 MICHAEL A.F. JOHNSON, ESQ.
17 Attorneys for FEDERAL HOUSING
FINANCE AGENCY
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DATED this 7th day of September, 2017.
GORDON LAW
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5 /s/ Aviva Y. Gordon
6 AVIVA Y. GORDON, ESQ.
7 Attorney for TERRA WEST COLLECTIONS
GROUP, LLC
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ORDER AND JUDGMENT

By Stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

IT IS HEREBY ORDERED that title to the Property should be quieted in the name of RUGGED OAKS INVESTMENTS, LLC;

IT IS FURTHER ORDERED that this order quieting title to the Property may be recorded in the Official Records of Clark County, Nevada:

IT IS FURTHER ORDERED that excess proceeds from the HOA Sale of April 29, 2015 of \$173,912 be released to Fannie Mae;

10 **IT IS FURTHER ORDERED** that this Order constitutes the Final Judgment of this
11 Court, resolving all claims, counterclaims, and crossclaims of all parties in this case, with
12 prejudice;

IT IS FURTHER ORDERED that each party shall bear its own fees and costs.

IT IS SO ORDERED.


RICHARD F. BOULWARE, II
United States District Judge

DATED: September 25, 2017.